

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Levar Leary

Docket No. 5:10-CR-291-1H

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Levar Leary, who, upon an earlier plea of guilty to Possession With Intent To Distribute More Than 5 Grams of Cocaine Base (Crack), was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge on March 10, 2011, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

Levar Leary was released from custody on July 18, 2014, at which time the term of supervised release commenced. On February 26, 2015, a Petition for Action on Supervised Release was filed with the court advising that the defendant had traveled outside of the district (Texas) without permission. The court concurred with the recommendation of the probation officer for Leary to serve 3 days custody in the Bureau of Prisons, which was completed on May 10, 2015.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The defendant is responsible for reporting for monthly office visits, which normally includes his submission of a urine sample. Test results have shown negative results for illegal drugs; however, the results revealed possible occurrences of dilution. On September 2, 2015, the defendant was confronted with the possible dilution of urine samples. Leary admitted he had been smoking marijuana on a sporadic basis and consuming large amounts of water prior to urine testing to possibly mask the results. Specifically, the defendant admitted to using marijuana on approximately February 21, 2015, and August 27, 2015. Although Leary had successfully completed substance abuse treatment, he was directed to return for follow-up counseling. As a sanction for his actions, confinement of 5 days in the custody of the Bureau of Prisons is recommended, along with participation in the DROPS Program, which shall begin at the second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 5 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

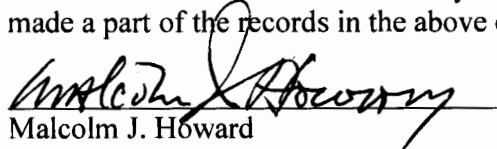
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I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: September 24, 2015

ORDER OF THE COURT

Considered and ordered this 24th day of September 2015 and ordered filed and
made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge